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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,885	09/12/2003	Seiji Hashimoto	1232-5139	6942
27123	7590	09/17/2007	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			LE, TUAN H	
		ART UNIT	PAPER NUMBER	
		2622		
		NOTIFICATION DATE	DELIVERY MODE	
		09/17/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/660,885	HASHIMOTO, SEIJI
	Examiner Tuan H. Le	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on Jue 19, 2007 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This Office Action is in response to applicant's amendments filed on June 19, 2007. Therefore, applicant's amendments to claims and drawings are accepted by Examiner. There are seven pending claims, namely 1-7.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki (U.S. Pat. 5,255,077 to Yamazaki et al)**

Regarding claim 1, Yamazaki discloses an image pickup apparatus (Yamazaki, Fig. 2a) comprising:

an image pickup unit (1) for picking up an image of an object;

a detection circuit (photometry circuit 12 and operation control section 7) for detecting a flicker (Yamazaki, column 3 lines 10-22 and claim 1, wherein magnitude of flicker is determined); and

a correction circuit (operation control section 7) for correlating an image pickup condition of said image pickup unit with an amplitude and period of the flicker detected by said detection circuit, (Yamazaki, column 3 lines 32-50 and column 4 lines 45-68, wherein white balance is performed in accordance with frequency and magnitude of detected flicker).

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Regarding **claim 2**, Yamazaki discloses the image pickup apparatus of claim 1.

In addition, Yamazaki discloses the image pickup condition is a condition for driving said image pickup unit (Yamazaki, column 4 lines 7-61, wherein white balance is performed on read output signal by operation control section 7).

Regarding **claim 3**, Yamazaki discloses the image pickup apparatus of claim 2.

In addition, Yamazaki discloses during a period other than a period during which the amount of light that causes the flicker is a predetermined value or smaller, said correction circuit permits said image pickup unit to accumulate photoelectric charges (Yamazaki, column 4 lines 54-61, wherein integrated values are processed when there is flickering fluorescent lamp).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

#### **Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Yamazaki (U.S. Pat. 5,255,077 to Yamazaki et al) and further in view of Chikama (U.S. Pat. 4,710,807).**

Regarding **claim 4**, Yamazaki discloses the image pickup apparatus of claim 1.

However, Yamazaki does not disclose

a light source for emitting light,

wherein the image pickup condition is a light emission timing of said light source.

On the other hand, Chikama discloses a light source (21,22,25,26,28) (Chikama, Fig. 3) for emitting light, wherein the image pickup condition is a light emission timing of said light source (Chikama, Abstract, wherein driving of chopper 26 in order to control lightning during image signal capturing).

Therefore, it would have been obvious to an artisan to combine the light source as described by Chikama with the image pickup apparatus as described by Yamazaki in order to emit light when using a solid state image pickup device because such combination minimize flicker and has good quality image and the colors can be accurately reproduced (Chikama, column 9 lines 53-61).

Regarding **claim 5**, Yamazaki and Chikama disclose the image pickup apparatus of claim 4. In addition, Chikama discloses during a period during which the amount of light that causes the flicker is a predetermined value or smaller, said correction circuit permits said light source to emit light (Chikama, Fig. 3, wherein window 26a passes light).

Regarding **claim 6**, Yamazaki and Chikama disclose the image pickup apparatus of claim 4. In addition, Chikama discloses during a period during which the amount of light that causes the flicker is a predetermined value or smaller, said correction circuit increases the amount of light emitted by said light source (Chikama, Fig. 3, wherein window 26a increases light).

Regarding **claim 7**, Yamazaki and Chikama disclose the image pickup apparatus of claim 4. In addition, Chikama discloses wherein said correction circuit makes a period

of the flicker and a period during which said image pickup unit accumulates photoelectric charges, substantially equal to each other (Chikama, Fig. 3, wherein speed sensor 28 and motor 25 regulates light period).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Poplin et al (U.S. Pat. 7,187,405).

Nakano et al (U.S. Pat. 5,292,238).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan Le/



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER